

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL MORGAN,

Plaintiff,

-against-

DR. KENNETH CHO,

Defendant.

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AMON, United States District Judge:

NOT FOR PUBLICATION
ORDER

03-CV-2655(CBA)(LB)

Plaintiff filed this *pro se* action on May 23, 2003, making claims of violations of civil rights under 42 U.S.C. § 1983. The Court dismissed plaintiff's claims against all defendants save Dr. Kenneth Cho on June 30, 2003. In that order, the Court directed plaintiff to file an amended complaint as to Dr. Cho, which the plaintiff timely filed on July 25, 2003, along with a motion for reconsideration. But for a letter to the Court by plaintiff on July 14, 2004, plaintiff has taken no action in this case since the Second Circuit dismissed his appeal of the June 30 Order on March 25, 2004.

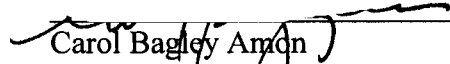
On September 23, 2008, Magistrate Judge Lois Bloom issued an Order directing plaintiff to show good cause in writing by October 13, 2008 as to why the case should not be dismissed as abandoned. After plaintiff failed to respond in any way, Magistrate Judge Bloom issued a Report and Recommendation ("R&R") on November 24, 2008, recommending that this case be dismissed. The Magistrate Judge further recommended that this Court certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and that therefore *in forma pauperis* status should be denied for the purpose of any appeal. Coppedge v. United States, 369

U.S. 438, 444-45 (1962). The R&R informed plaintiff that he had 10 days from service of the R&R to file objections, see Fed. R. Civ. P. 72, and the accompanying docket entry also provided a deadline of December 15, 2008.

The time for filing objections has lapsed, and Morgan has not attempted to correspond with the Court in any way.¹ Accordingly, the Court adopts Magistrate Judge Bloom's R&R and exercises its inherent power to dismiss this case for failure to prosecute. See Link v. Wabash R.R. Co., 370 U.S. 626, 629-33 (1962). This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
December 29, 2008

/Signed by Judge Amion/

Carol Bagley Amion
United States District Judge

¹Failure to object generally waives any further judicial review, either in this Court or on appeal. See Marcella v. Capital District Physician's Health Plan, Inc., 293 F.3d 42, 46 (2d Cir. 2002).